

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MEMO ENDORSED

-----X
TYCO INTERNATIONAL, LTD. and
TYCO INTERNATIONAL (US), INC.,

Plaintiffs/Counterclaim
Defendants,

v.

L. DENNIS KOZLOWSKI,

Defendant/Counterclaim
Plaintiff.
-----X

No. 02 Civ. 7317 (TPG)
ECF CASE

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 1/20/11
--

**ASSENTED-TO MOTION TO MODIFY NOVEMBER 23, 2010 AMENDED
AND RESTATED PRELIMINARY INJUNCTION ORDER**

Defendant/Counterclaim Plaintiff L. Dennis Kozlowski, with the assent of
Plaintiffs/Counterclaim Defendants Tyco International Ltd. and Tyco International (U.S.) Inc.,
respectfully moves for a modification of the Amended and Restated Preliminary Injunction,
entered by the U.S. District Court for the Southern District of New York on November 23, 2010,
imposing certain restraints on transfers of Mr. Kozlowski's assets (the "Preliminary Injunction
Order"). In support of this motion, Mr. Kozlowski states as follows:

1. On or about July 24, 2003, Rosemarie Stumpf, on behalf of herself and all others
similarly situated, commenced a lawsuit in the U.S. District Court for the District of New Jersey,
captioned *Stumpf v. Garvey, et al.*, Civ. No. 3:03-cv-03540-GEB-DEA, asserting claims against
Mr. Kozlowski, among other defendants, for alleged violations of the federal securities laws,
among other causes of action (the "TyCom Action").

2. In order to avoid the costs and uncertainties of litigation, and without any
admission of liability or wrongdoing, Mr. Kozlowski has reached an agreement with plaintiffs in

Motion approved.
Thomas P. Guesia / USDC 1/19/11

the TyCom Action to settle all claims asserted or that could have been asserted in the TyCom Action. The agreement requires Mr. Kozlowski to pay \$45,000 to plaintiffs in the TyCom Action.

3. Mr. Kozlowski therefore respectfully seeks a modification of the Preliminary Injunction Order to permit Mr. Kozlowski to transfer \$45,000 to counsel for plaintiffs in the TyCom Action, separate from and in addition to any and all other transfers permitted under the Preliminary Injunction Order.

4. Plaintiffs/Counterclaim Defendants Tyco International Ltd. and Tyco International (U.S.) Inc. have assented to the relief requested.

WHEREFORE, L. Dennis Kozlowski respectfully requests this Honorable Court grant the following relief:

A. Modify the Preliminary Injunction Order to permit Mr. Kozlowski to transfer \$45,000 to counsel for plaintiffs in the TyCom Action, separate from and in addition to any and all other transfers permitted under the Preliminary Injunction Order; and

B. Grant such other relief as may be just.

Dated: January 13, 2011
New York, New York

Respectfully submitted,

/s/ [Robert N. Shwartz]

Robert N. Shwartz
Jyotin Hamid
Shannon Rose Selden
DEBEVOISE & PLIMPTON LLP
919 Third Avenue
New York, New York 10022
212.909.6000

Counsel to Defendant/Counterclaim Plaintiff
L. Dennis Kozlowski